IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2737 of 2007

HET RAM
V/S
STATE & ORS.

Mr. JS BHALERIYA, for the appellant / petitioner

Date of Order : 22.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Herd learned counsel for the petitioner, and perused the impugned order.

As is clear from Annex.2 that the additional outlet was sanctioned on Kila No.25, and the existing outlet on Kila No.21 is thereafter sought to be closed by the petitioner on the ground that his passage is obstructed. As appears from Annex.4 that the Sarpanch had filed a certificate, to the effect, that a culvert has been constructed. In that view of the matter, the application was dismissed. In appeal, it was noticed that vide order dated 3.4.79 only additional outlet was sanctioned. Then it has also been noticed that the outlet is left open, which causes inconvenience, and that a contention was also noticed that Executive Engineer has wrongly noticed that the culvert has been constructed, rather the culvert was constructed by the respondent, which has been damaged, and nothing has been done by the Panchayat. A contention has

also been noticed that in absence of the way, Kila No.25 cannot be irrigated.

In my view, so far sanction of Naka is concerned, that has already been done way-back in the year 1979, and that has been found to be not requiring any interference, and in my view, rightly so. So far the culvert constructed by Bhagwana Ram having been damaged is concerned, the petitioner is left free to seek appropriate remedy before the appropriate authorities.

The writ petition is, therefore, dismissed summarily with the aforesaid liberty.

(N P GUPTA),J.

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